

PATENT COOPERATION TREATY

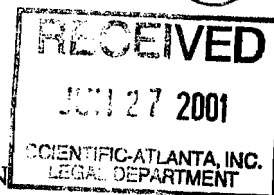
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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION

(PCT Rule 66)



To: KELLY A. GARDNER
SCIENTIFIC-ATLANTA, INC., A CORPORATION OF
THE STATE OF GEORGIA
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

Date of Mailing (day/month/year) **22 JUN 2001**

Applicant's or agent's file reference
F-6591-PC

REPLY DUE within **TWO** months
from the above date of mailing

International application No.
PCT/US00/15963

International filing date (day/month/year)
09 JUNE 2000

Priority date (day/month/year)
11 JUNE 1999

International Patent Classification (IPC) or both national classification and IPC
IPC(7): HO4N 5/445, 7/173; GO6F 3/00, 13/00 and US Cl.: 725/86, 87, 44, 45, 46, 47, 38, 39

Applicant
SCIENTIFIC-ATLANTA, INC., A CORPORATION OF THE STATE OF GEORGIA

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 *bis*.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 11 OCTOBER 2001

Name and mailing address of the IPEA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

VIVEK SRIVASTAVA

Telephone No. (703) 305 4038

I. Basis of the opinion**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed
- ☒ the description:
pages 1-37, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the claims:
pages 38-40, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the drawings:
pages 1-34, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims	<u>NONE</u>	YES
	Claims	<u>1-11</u>	NO
Inventive Step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1-11</u>	NO
Industrial Applicability (IA)	Claims	<u>1-11</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations

Claims 1, 2 and 5-11 lack novelty under PCT Article 33(2) as being anticipated by Gerace because Gerace discloses the claimed method for an interactive media services system to provide media to a user through an interactive media services client device.

Regarding claims 1, 5, 6 and 10 Gerace discloses the claimed method for an interactive media services system to provide media to a user through an interactive media services client device comprising the steps of implementing an interactive media guide, implementing client device and service system, providing a system operator, providing control options and providing ability to keep all data referenced by plurality of catalogs in central database as claimed (fig. 2, fig. 3a, col 4 lines 12-47, col. 6 lines 13-44, col 8, lines 13-32, col. 10 lines 1-39, col. 22 lines 6-53).

Regarding claim 2, Gerace discloses the claimed implementing a broadcast file server and implementing the broadcast file server to store a plurality of catalogs to be provided to the interactive media services system (fig. 2, col 4 lines 11-67, col. 5 lines 1-53, col. 8 lines 13-46, col. 10 lines 12-22).

Regarding claim 7, Gerace discloses wherein distribution procedure dictates a client device of plurality of client devices tune to specific channel based on a customer variable, specific channel allowing interactive media guide to implement appropriate one of plurality of catalogs (fig. 2, col 4 lines 11-67, col. 5 lines 1-53, col. 8 lines 13-46, col. 10 lines 12-22).

Regarding claim 8, Gerace discloses customer variable comprises demographic association (col 2 lines 30-48).

Regarding claim 9, Gerace discloses the claimed distribution procedure dictates a client device of a plurality of client devices requests a catalog file associated with a customer variable from the interactive media services system and is subsequently given the corresponding one of plurality of catalogs for implementation (fig. 2, col. 4 lines 12-47, col. 6 lines 13-44, col. 8 lines 13-32, col. 10 lines 1-39, col. 22 lines 6-53).

Regarding claim 11, Gerace discloses wherein the central database enables a multi-sort function resulting from a title of media being referenced in a plurality of instances within one of plurality of catalogs (fig. 2, col. 4 lines 12-47, col. 6 lines 13-44, col. 8 lines 13-32, col. 10 lines 1-39, col. 22 lines 6-53).
(Continued on Supplemental Sheet.)